

OAKLY 929C2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#81B00
2mmok
please
enter HM
4/31/03

Applicant : James H. Jannard

Appl. No. : 09/771,433

Filed : November 13, 2000

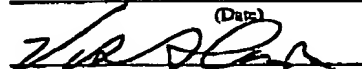
For : CONTOURED METAL
EYEGLASS FRAMES

Examiner : H. MAI

I hereby certify that this correspondence and all marked
attachments are being deposited with the United States
Postal Service as first-class mail in an envelope addressed
to: United States Patent and Trademark Office, P.O. Box
2327, Arlington, VA 22202, on

June 12, 2002

(Date)


Vito A. Canuso III, Reg. No. 35,471
RESPONSE TO OFFICE ACTION

United States Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

FAX RECEIVED

DEC 05 2002

TECHNOLOGY CENTER 2800

Dear Sir:

Applicant hereby responds to the Office Action mailed March 27, 2002. Claims 1 through
33 are pending in the present Application.

IN THE CLAIMS:

Please cancel Claims 1-26.

REMARKS

In the Office Action of March 27th, the Examiner rejected Claims 1-26 under the judicially
created doctrine of obviousness-type double patenting, relying upon U.S. Patent Nos. 6,056,399
and 5,708,489. The Examiner allowed Claims 27-33. Because Claims 27-33 are not subject to the
double patenting rejection, Applicant has canceled Claims 1-26 in the present application and will
file a continuation application so that an appropriate terminal disclaimer can be filed with respect
to those same Claims 1-26. For that reason, Applicant respectfully requests that the Examiner pass